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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,162	10/31/2000	Benjamin M. Cahill III	INTL-0438-US-(P9450)	9745
21906	7590	07/13/2005	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			ABDULSELAM, ABBAS I	
			ART UNIT	PAPER NUMBER
			2677	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/703,162	CAHILL, BENJAMIN M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Abbas I Abdulselam	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07/01/04.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 and 17-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. This action is in response to a communication filed on 03/29/05. Claims 1-15 and 17-22 are pending and claim 16 is canceled.

### ***Response to Arguments***

2. Applicant's arguments, (page 5) filed on 03/29/05, with respect to the rejection(s) of claim(s) 1-15 and 17-22 under U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view Vos (USPN 6327003) and Young (USPN 6144365).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 10 and 17 rejected under 35 U.S.C. 102(e) as being anticipated by Vos (USPN 6327003).

Regarding claim 1, Vos teaches a method comprising: receiving an alpha value, wherein the alpha value indicates how a video signal and a graphic signal are to be combined; and adjusting a flicker filter based upon the alpha value (Fig. 3 (30, 36, 32), col. 4, lines 20-23 and col. 5, lines 5-54).

Regarding claim 10, Vos teaches a system comprising a controller to associate an alpha value with a signal to be displayed; (Fig. 3 (32, 48, 50, 52) and col. 5, lines 16-22) and a processor coupled to the controller to execute a software program which includes instructions that if executed enable the system to adjust a flicker filter based upon the alpha value (Fig. 3 (30, 36, 32), col. 4, lines 20-23 and col. 5, lines 5-54).

Regarding claim 17, Vos teaches an article comprising a medium storing instructions, enable a processor-based system to receive an alpha value (col. 4, lines 40-49), wherein the alpha value indicates how a video signal and a graphics signal are to be combined; and adjust a flicker based upon the alpha value (Fig. 3 (30, 36, 32), col. 4, lines 20-23 and col. 5, lines 5-54).

4. Claims 2-9, 11-15, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vos (USPN 6327003) in view of Young. (USPN 6144365).

Regarding claims 2-4, 6, 8-9, 16, 18-20 and 22, Vos does not teach comparing the alpha value to a predetermined threshold value, subtracting the alpha value from a threshold value and performing division with respect to alpha value. Young on the other hand teaches the alpha test unit (306) which compares the alpha value of a pixel to a threshold and outputs the result to “Z compare unit” which in turn transfers its own output to alpha blending unit (310) (col. 3, lines 25-67, col. 4, lines 1-3 and Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vos’ flicker correction shown in Fig. 3 to adapt Young’s alpha

test unit (306) as configured in Fig. 3 because the use of alpha test unit helps function a blending process as taught by Young (col. 3, lines 45-51).

In addition Young further teaches details of alpha bending unit (310) to include adder, subtract or, multiplier and divider (430, 422, 428 426) as shown. See Fig. 4. Furthermore since Young teaches the alpha test unit (306), which compares the alpha value to a predetermined threshold value, it would be obvious to utilize Young's concept of threshold comparison of alpha value inside Vos' system of OSD on a video image. One of ordinary skill in the art would have ascertained that the predetermined threshold value could be manipulated mathematically in a desired format and manner.

Regarding claims 6, 12-14 and 17-22, Vos teaches a method for correcting flicker and flutter of an OSD on a video image (see the abstract). It would also be obvious to utilize Young's concept of threshold comparison of alpha value inside Vos' flicker correction with respect to OSD on a video image.

Regarding claims 5, 7, 11, 15 and 21, Vos teaches a required pixel is a pixel of the video image that is not covered by the OSD, and the other pixel belongs to the closest line of the video image that is covered by the OSD making it possible to simplify the use of mathematical filters associated with a unique equations for all of the lines of the overlaid OSD (see the abstract, equations 3 and 4 on col. 3, lines 55-60)). It would be obvious to one of ordinary skill in the art to ascertain that the Young's threshold comparison of alpha can be utilized with respect to Vos equations 3, and 4).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art is cited for further reference.

U.S. Pat. No. Mendenhall et al.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulselam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shalwala Bipin, can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulselam

Examiner

Art Unit 2674

July 10, 2005



PATRICK N. EDOUARD  
SUPERVISORY PATENT EXAMINER